



## REMARKS

### Claim Rejections - 35 U.S.C. § 102(e)

The Examiner has rejected claims 30 and 31 under 35 U.S.C. § 102(e), second paragraph, as being anticipated by Demirlioglu et al. (U.S. Patent No. 5,571,744). The applicant respectfully traverses. The Applicant claims “forming a pair of sidewall spacers having a first height above the substrate surface on opposite sides of the gate electrode, wherein the first height is greater than the sum of the first and second and third thicknesses” where the first, second, and third thicknesses correspond to the thickness of the gate electrode, the thickness of a silicon germanium film, and the thickness of the silicide layer, respectively. In contrast, Demirlioglu clearly teaches in Figure 12 sidewall spacers having a height equal to the sum of the thicknesses of a gate electrode, a silicon germanium film, and a silicide layer. Accordingly, Demirlioglu does not anticipate claim 30. Additionally, Demirlioglu does not anticipate claim 31 because claim 31 depends on claim 30 and therefore incorporates the limitations of claim 30.

The Examiner has rejected claims 33-35 under 35 U.S.C. 102(e) as anticipated by Chau et al. (U.S. Patent No. 6,165,826). Claims 33-35 have been cancelled.

### **Claim Rejections – 35 U.S.C. §103**


The Examiner has rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Demirlioglu et al. in view of Moslehi (U.S. Patent No. 5,168,072). The Applicant respectfully traverses. Demirlioglu and Moslehi do not teach all of the elements of the Applicant's claimed invention, neither individually nor in combination. Specifically, Demirlioglu in view of Moslehi does not teach the claimed element of "forming a pair of sidewall spacers having a first height above the substrate surface on opposite sides of the gate electrode, wherein the first height is greater than the sum of the first and second and third thicknesses" that is found in independent claim 30. Claim 32 depends on claim 30 and therefore incorporates the limitations of claim 30. Accordingly, claim 32 is not obvious in light of Demirlioglu in view of Moslehi.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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Heather M. Molleur  
Reg. No. 50,432

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300